

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHARFUN NISHA HAFIZ,

Plaintiff,

v.

NATIONSTAR MORTGAGE, *et al.*,

Defendants.

Case No. [14-cv-00015-JD](#)

**ORDER SETTING HEARING ON
MOTION FOR PRELIMINARY
INJUNCTION, OR IN THE
ALTERNATIVE, MOTION TO DISMISS
BRIEFING SCHEDULE**

Pursuant to the telephonic status conference held today, the Court orders Defendant Nationstar Mortgage, LLC to notify the Court by 9:00 a.m. on May 16, 2014, whether it will continue the foreclosure scheduled for May 19, 2014 on the property in dispute, 1160 Snyder Lane Walnut Creek, California 94598, for 31 days until June 16, 2014. If Nationstar agrees to delay foreclosure, the Court orders the following briefing schedule on Nationstar's anticipated motion to dismiss. Nationstar will file its motion to dismiss by no later than May 19, 2014. Plaintiff will file an opposition by no later than June 2, 2014. Nationstar may file a reply no later than June 9, 2014. A hearing on the motion is set for June 11, 2014 at 9:30 a.m. in Courtroom 11 on the 19th floor of the San Francisco Courthouse.

If Nationstar declines to delay the foreclosure, the Court orders the parties to appear at a hearing on Plaintiff's Motion for a Preliminary Injunction, (Dkt. No. 23), on May 19, 2014 at 11:00 a.m. in Courtroom 11 on the 19th floor of the San Francisco Courthouse. As discussed during the status conference, the Court expects the parties to be prepared to address the basis for the Court's subject matter jurisdiction over this case, specifically whether Plaintiff's Fair Debt Collection Practices Act claims provide federal question jurisdiction, as well as whether diversity jurisdiction exists.

1 Pending the hearing on May 19, 2014, if that is the track the case proceeds on, the Court
2 temporarily restrains Nationstar from foreclosing on the property in dispute through 5:00 p.m. on
3 May 19, 2014. Plaintiff, who is acting *pro se*, represented to the Court that this is her primary
4 residence that houses multiple family members. Nationstar previously filed a Motion to Dismiss,
5 (Dkt. No. 8), which was not ruled on by the Court, but represented to the Court that the subject
6 \$1,500,000 loan has been in foreclosure since 2009. In light of these facts, the Court finds that on
7 balance, the hardships tip strongly in favor of Plaintiff, and accordingly, a short restraining order
8 is warranted. *See Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974)
9 (purpose of a temporary restraining order is to preserve the status quo and prevent irreparable
10 harm “just so long as is necessary to hold a hearing, and no longer”). The Court will determine at
11 the hearing on May 19, 2014 whether additional preservation time or measures are warranted.

12 Plaintiff may wish to contact the Justice & Diversity Center Legal Help Center at the San
13 Francisco Courthouse. The Legal Help Center is a free service offered by the Bar Association of
14 San Francisco to provide information and limited-scope legal assistance to *pro se* litigants in civil
15 cases. Help is provided by appointment only; the telephone number to request an appointment is
16 (415) 782-8982.

17 **IT IS SO ORDERED.**

18 Dated: May 15, 2014

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JAMES DONATO
United States District Judge